

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

DORIS LEE CLARK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:16-cv-00040
)	
NANCY A. BERRYHILL, Acting)	By: Elizabeth K. Dillon
Commissioner of Social Security, ¹)	United States District Judge
)	
Defendant.)	
)	

ORDER AND FINAL JUDGMENT

In this social security case, defendant Nancy Berryhill, Acting Commissioner of the Social Security Administration (the commissioner), moved for summary judgment under Federal Rule of Civil Procedure 56. Additionally, *pro se* plaintiff Doris Lee Clark has filed a brief explaining why she believes the commissioner wrongly denied her claim for social security benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the matter to U.S. Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On August 7, 2017, the magistrate judge issued his R&R, recommending that the court grant the commissioner's motion and affirm the commissioner's final decision. (Dkt. No. 18 at 1.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.* at 15.)

The deadline to object to the R&R has passed, and no party has filed an objection. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Although the plaintiff named only the "Commissioner of Social Security" as a defendant, Berryhill is the proper defendant and is properly substituted. See Fed. R. Civ. P. 25(d).

instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error.

Accordingly, it hereby ORDERS as follows:

1. The R&R (Dkt. No. 18) is ADOPTED;
2. The commissioner’s motion for summary judgment (Dkt. No. 14) is GRANTED;
3. The commissioner’s decision is AFFIRMED; and
4. This matter is STRUCK from the active docket of the court.

The clerk is directed to send a copy of this order to all counsel of record.

Entered: September 8, 2017.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge